

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MARLIN GIOVANNI PICKENS,

Plaintiff,

v.

WELLFOUND BEHAVIORAL
HEALTH HOSPITAL, et al.,

Defendants.

CASE NO. C22-5815 BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

This matter comes before the Court on Magistrate Judge Theresa L. Fricke's Report and Recommendation ("R&R") recommending the Court deny Plaintiff Marlin Giovanni Pickens' Motion for Leave to Proceed *in forma pauperis*, Dkt. 1, and dismiss his case without prejudice for failure to prosecute. Dkt. 5. The Court, having considered the R&R and the remaining record, and no objections having been filed, does hereby order as follows:

(1) The R&R is **ADOPTED**;

(2) Pickens' Motion for Leave to Proceed *in forma pauperis*, Dkt. 1, is
DENIED;

1 (3) This action is **DISMISSED without prejudice**;

2 (4) The Clerk is directed to send a copy of this Order to Pickens; and

3 (5) The Clerk shall enter JUDGMENT and close this case.

4 Dated this 21st day of February, 2023.

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7 BENJAMIN H. SETTLE
United States District Judge